

# COPY

Attorney Docket No. 18097-020500

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS AND COMPOSITIONS FOR POLYPEPTIDE ENGINEERING** the specification of which \_\_\_ is attached hereto or X was filed on December 18, 1996 as Application No. 08/769,062 and was amended on \_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
PCT	PCT/US95/02126	2/17/95	Yes <u>X</u> No ___
PCT	PCT/US96/05480	4/18/96	Yes <u>X</u> No ___

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
08/198,431	2/17/94	___ Patented <u>X</u> Pending ___ Abandoned
08/425,684	4/18/95	___ Patented <u>X</u> Pending ___ Abandoned
08/537,874	10/30/95	___ Patented <u>X</u> Pending ___ Abandoned
08/564,955	11/30/95	___ Patented <u>X</u> Pending ___ Abandoned
08/621,430	3/25/96	___ Patented <u>X</u> Pending ___ Abandoned
08/621,859	3/25/96	___ Patented <u>X</u> Pending ___ Abandoned
08/650,400	5/20/96	___ Patented <u>X</u> Pending ___ Abandoned
08/675,502	7/3/96	___ Patented <u>X</u> Pending ___ Abandoned
08/721,824	9/27/96	___ Patented <u>X</u> Pending ___ Abandoned
08/722,660	9/27/96	___ Patented <u>X</u> Pending ___ Abandoned

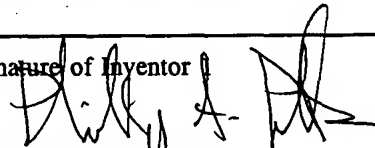

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**WILLIAM M. SMITH**, Reg. No. 30,223  
**RENEE A. FITTS**, Reg. No. 35,136  
**JOE LIEBESCHUETZ**, Reg. No. 37,505  
**RANDOLPH T. APPLE**, Reg. No. 36,429  
**KAREN B. DOW**, Reg. No. 29,684

<b>Send Correspondence to:</b> <b>WILLIAM M. SMITH</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> <b>Two Embarcadero Center, 8th Floor</b> <b>San Francisco, CA 94111-3834</b>	<b>Direct Telephone Calls to:</b> (Name, Reg. No., Telephone No.)  <b>Name: WILLIAM M. SMITH</b> <b>Reg. No.: 30,223</b> <b>Telephone: (415) 326-2400</b>
---	--

<b>Full Name of Inventor 1</b>	<b>Last Name</b> <b>PATTEN</b>	<b>First Name</b> <b>PHILLIP</b>	<b>Middle Name or Initial</b> <b>A.</b>	
<b>Residence &amp; Citizenship</b>	<b>City</b> <b>MOUNTAIN VIEW</b>	<b>State/Foreign Country</b> <b>CA</b>	<b>Country of Citizenship</b> <b>U.S.A.</b>	
<b>Post Office Address</b>	<b>Post Office Address</b> <b>2680 FAYETTE DR. APT. 506</b>	<b>City</b> <b>MOUNTAIN VIEW</b>	<b>State/Country</b> <b>CA</b>	<b>Zip Code</b> <b>94040</b>
<b>Full Name of Inventor 2</b>	<b>Last Name</b> <b>STEMMER</b>	<b>First Name</b> <b>WILLEM</b>	<b>Middle Name or Initial</b> <b>P.C.</b>	
<b>Residence &amp; Citizenship</b>	<b>City</b> <b>LOS GATOS</b>	<b>State/Foreign Country</b> <b>CA</b>	<b>Country of Citizenship</b> <b>NETHERLANDS</b>	
<b>Post Office Address</b>	<b>Post Office Address</b> <b>108 KATHY COURT</b>	<b>City</b> <b>LOS GATOS</b>	<b>State/Country</b> <b>CA</b>	<b>Zip Code</b> <b>95030</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<b>Signature of Inventor 1</b>  <b>PHILLIP A. PATTEN</b>	<b>Signature of Inventor 2</b>  <b>WILLEM P.C. STEMMER</b>
<b>Date</b> 6/3/97	<b>Date</b> 6/3/97



0103,001  
**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

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MAY 04, 2000

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JUN 07 2000

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

LAW OFFICES OF  
JONATHAN ALAN QUINE

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/18/1997

REEL/FRAME: 010592/0476

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

**ASSIGNOR:**

PATTEN, PHILLIP A.

DOC DATE: 06/03/1997

**ASSIGNOR:**

STEMMER, WILLEM P.C.

DOC DATE: 06/03/1997

**ASSIGNEE:**

MAXYGEN, INC.

3410 CENTRAL EXPRESSWAY

SANTA CLARA, CALIFORNIA 95051

SERIAL NUMBER: 08769062

FILING DATE: 12/18/1996

PATENT NUMBER:


ISSUE DATE:

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

MAY 3 1999 5:24PM

NO. 1211 P. 1

Attorney's Docket No. 18097-020500

FORM PTO-1595 (Rev. 6/93) <b>MRD</b> <b>7-18-97</b>		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	
RE		05-04-2000 	
To the Assistant Commissioner		101313475	
1. Name of Party(ies) conveying an interest:  Phillip A. Patten Willem P.C. Stemmer		2. Name and Address of Party(ies) receiving an interest:  Maxygen, Inc. 3410 Central Expressway Santa Clara, California 95051	
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Change of Name <input type="checkbox"/> Security Agreement <input type="checkbox"/> Merger Other:			
Execution date(s): June 3, 1997			
4. Application number(s) or patent number(s). Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If this document is being filed together with a new application, the execution date of the application is:			
A. Patent Application No.(s)  08/769,062		B. Patent No.(s)	
5. Name and Address of party to whom correspondence concerning document should be mailed:  MAXYGEN, INC. 3410 Central Expressway Santa Clara, CA 95051		6. Number of applications and patents involved:  1	
		7. Total fee (37 CFR 3.41): \$40.00 <b>E</b> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge Fees to Deposit Account <input checked="" type="checkbox"/> Charge any additional fees associated with this paper or during the pendency of this application, or any credit any overpayment, to deposit account.	
		8. Deposit account number: 01-0430 (Attach duplicate copy of this form if paying by deposit account)	
DO NOT USE THIS SPACE			
9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.			
Lauren L. Stevens, Ph.D., Reg. No. 36,691 Name of Person Signing		Lauren L. Stevens Signature	
		7-18-97 Date	
Total number of pages including cover sheet, attachments, and document: 5			

05/04/2000 TTON11 00000046 010430 08769062

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Attorney Docket No. 18097-020500

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Phillip A. Patten of 2680 Fayette Dr. Apt. 506, Mountain View, CA 94040 and Willem P.C. Stemmer of 108 Kathy Court, Los Gatos, CA 95030, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: **Methods and Compositions for Polypeptide Engineering**

Filing date: December 18, 1996 Application No.: 08/769,062; and

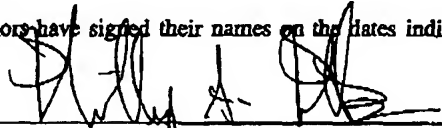
WHEREAS, Maxygen, Inc. a Delaware corporation, located at 3410 Central Expressway, Santa Clara, CA 95051, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Date: 6/3/97

  
Phillip A. Patten

Date: 6/3/97

  
Willem P.C. Stemmer

I hereby certify that this correspondence is being deposited with the United States Postal Service via first class mail to:  
Assistant Commissioner for Patents, Attn: Box Assignment, Washington, D.C. 20231, on April 11, 2000  
LAW OFFICES OF JONATHAN ALAN QUINE

By Tracie Brooks  
Tracie Brooks

Attorney Docket No. 02-020500US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Phillip A. Patten, et al.

Application No.: 08/769,062

Filed: December 18, 1996

For: METHODS AND COMPOSITIONS  
FOR POLYPEPTIDE ENGINEERING

Examiner: Zitomer, S.

Art Unit: 1634

SUBMISSION OF ASSIGNMENT FOR  
RECORDATION

200 APR 14 PM 12:37  
OPR/FINANCE

Attn: Box Assignment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

*Blat*

Sir:

The applicant's file history indicates the enclosed assignment was submitted for recordation on July 18, 1997 along with the missing parts filing for this case. As the assignment was apparently never recorded in the USPTO, please proceed to record the enclosed assignment according to the recordation cover sheet attached. As I am the current agent of record for this application, please charge the recordation fee of \$ 40.00 to Deposit Account No. 50-0893. A copy of the Revocation and Substitution of Power of Attorney Under 37 CFR §1.36 is enclosed for your reference.

Respectfully submitted,

*Jonathan Alan Quine*

Jonathan Alan Quine, J.D., Ph.D.  
Attorney of Record for the Applicant  
Reg. No. 41.261

LAW OFFICES OF JONATHAN ALAN QUINE  
P.O. BOX 458  
Alameda, CA 94501  
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(Modified) PTO/SB/81 (11-96)  
Approved for use through 6/30/99. OMB 0651-0035

<b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT, NOT ACCOMPANYING APPLICATION</b>	Application Number	09/559,671
	Filing Date	April 27, 2000
	First Named Inventor	Phillip A. Patt n
	Group Art Unit	1643
	Examiner Name	Unassigned
	Attorney Docket Number	02-020505US

I hereby appoint:

☒ Practitioners at Customer Number

**22798**

Type Customer Number Here



AND

☒ Practitioner(s) named below:

Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995
Margaret A. Powers	39,804

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone		Fax			

I am the

☐ Applicant.

☒ Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

SIGNATURE of Applicant or Assignee of Record

Name	Michael S. Rabson, General Counsel
Signature	
Date	October 23, 2000

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: November 17, 2000

Typed or printed name	Juliana Hermes		
Signature		Date	November 17, 2000